RCA 88,391 A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application

Inventor(s)	:	Harold Blatter et al.
Serial No.	:	09/649,975
Filed	:	August 29, 2000
Title	:	UPGRADEABLE ON-SCREEN DISPLAY SYSTEM
Examiner	:	H. Hguyen
Art Unit	:	2615

RENEWED PETITION UNDER 37 C.F.R. §1.137(b) FOR REVIVAL OF AN UNINTENTIONALLY ABANDONED APPLICATION

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Applicants are submitting this requested for a renewed petition within the two months (November 16, 2006) from the mailing date of the denial of the previous petition.

Applicant respectfully requests that the above-identified application be revived for the actions listed below..

In accordance with 37 C.F.R. §1.117(m)(1), included with the petition is an Amendment responding to the outstanding Office Action and authorization to charge Deposit Account 07-0832 any requisite fees.

Please charge the fee of $1500.00 for filing a petition under 37 C.F.R. §1.117(m) to Deposit Account 07-0832.

12/07/2006 AWONDAF1 00000051 070832 09649975
02 FC:1801 790.00 DA

This petition was previously denied because the response submitted was transmitted in view of a Final Rejection (without the response being proper). Applicants are submitting a Request for Continuing Examination under 37 C.F.R.1.114 in conjunction with a response, and this petition. Please charge deposit account 07-0832 $790.00 for the requested RCE, and for any other fees owed in connection with this response.

It is respectfully submitted that the abandonment of the above-identified application for failure to respond to the outstanding Office Action issued in the above-identified application was unintentional.

If anything further is necessary to revive this application, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number listed below.

Respectfully submitted,

Harold Blatter et al.

By: Joel Fogelson
Reg. No. 43,613
Phone (609) 734-6809

Patent Operations
Thomson Licensing Inc.
P.O. Box 5312
Princeton, New Jersey 08543-5312
December 5, 2006

PTO/SB/21 (09-06)
Approved for use through 03/31/2007. OMB 0651-0031
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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission: 16

Application Number	~~09/649,975~~ 09/649975 T.W.
Filing Date	August 29, 2000
First Named Inventor	H. Blatter et al.
Art Unit	2615
Examiner Name	H. Hguyen
Attorney Docket Number	RCA 88391A

ENCLOSURES (Check all that apply)

- ☐ Fee Transmittal Form
  - ☐ Fee Attached
- ☑ Amendment/Reply
  - ☐ After Final
  - ☐ Affidavits/declaration(s)
- ☐ Extension of Time Request
- ☐ Express Abandonment Request
- ☐ Information Disclosure Statement
- ☐ Certified Copy of Priority Document(s)
- ☐ Reply to Missing Parts/ Incomplete Application
  - ☐ Reply to Missing Parts under 37 CFR 1.52 or 1.53
- ☐ Drawing(s)
- ☐ Licensing-related Papers
- ☑ Petition
- ☐ Petition to Convert to a Provisional Application
- ☐ Power of Attorney, Revocation
- ☐ Change of Correspondence Address
- ☐ Terminal Disclaimer
- ☐ Request for Refund
- ☐ CD, Number of CD(s) _____
  - ☐ Landscape Table on CD
- ☐ After Allowance Communication to TC
- ☐ Appeal Communication to Board of Appeals and Interferences
- ☐ Appeal Communication to TC **(Appeal Notice, Brief, Reply Brief)**
- ☐ Proprietary Information
- ☐ Status Letter
- ☐ Other Enclosure(s) (please identify below):

Remarks

Request for Continuing Examination

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Thomson Licensing		
Signature			
Printed name	Joel Fogelson		
Date	December 5, 2006	Reg. No.	43,613

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name	Joel Fogelson	Date	December 5, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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PTO/SB/64 (08-03)
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PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)	Docket Number (Optional) RCA 88,391 A

First named inventor: Harold Blatter

Application No.: 09/649,975 Art Unit: 2615

Filed: September 15, 1995 Examiner: Hguyen, H.

Title: UPGRADEABLE ON-SCREEN DISPLAY SYSTEM

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX: (703) 308-6916

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:
(1) Petition fee;
(2) Reply and/or issue fee;
(3) Terminal disclaimer with disclaimer fee -- required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
(4) Statement that the entire delay was unintentional.

1. Petition fee
☐ Small entity - fee $_____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☒ Other than small entity - fee $1500 (37 CFR 1.17(m))

2. Reply and/or fee
A. The reply and/or fee to the above-noted Office action in the form of Amendment and Response (identify type of reply):
☐ has been filed previously on _____.
☒ is enclosed herewith.

B. The issue fee of $ _____
☐ has been paid previously on _____.
☐ is enclosed herewith.

12/07/2006 AWONDAF1 00000051 070832 09649975

01 FC:1453 1500.00 DA
Adjustment date: 01/08/2007 CKHLOK
12/07/2006 AWONDAF1 00000051 070832 09649975
01 FC:1453 1500.00 CR

PTO/SB/64 (08-03)
Approved for use 07/31/2006. OMB 0651-0031
U.S Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of $_____ for a small entity or $_____ for other than a small entity) disclaiming a period equivalent to the period of abandonment is enclosed herewith (see PTO/SB/63).

4. Statement. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

12/5/06
Date

Signature

Joel Fogelson
Typed or printed name

Telephone Number: (609) 734-6809

Thomson Licensing Inc.
Address

P. O. Box 5312, Princeton, NJ 08543
Address

Enclosures: ☒ Fee Payment
☒ Reply
☐ Terminal Disclaimer Form
☐ Additional sheets containing statements establishing unintentional delay
☒ Other : Request for Continuing Examination

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(A)]

I hereby certify that this correspondence is being:

☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: **Mail Stop Petition**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

☒ transmitted by facsimile on the date shown below to the Patent and Trademark Office at (703) 308-6916.

12/5/06
Date

Signature

Joel Fogelson
Typed or printed name of person signing certificate

Serial No. 09/649,975 RCA88,391A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor	:	Harold Blatter
Application No.	:	09/649,975
Filed	:	August 29, 2000
Title	:	UPGRADEABLE ON-SCREEN DISPLAY SYSTEM
Examiner	:	Nguyen, H
Art Unit	:	2615

AMENDMENT AND RESPONSE

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action dated December 19, 2001, for which a shortened statutory period of three months ending March 19, 2002 was set in which to respond, the following amendments and comments are submitted and reconsideration of the claim rejections is respectfully requested. Attached to this amendment is a petition to revive this application, and a RCE along with the requisite fees.

The Applicants submit that, in view of the attached Certificate of Mailing, Petition to Revive this Application and requisite petition fee, this response is timely.

Listing/Amendments to the Claims begin on page 2 of this paper.

Remarks/Arguments begin on page 5 of this paper.

In the Claims

1. (Original) A digital television receiver, comprising:

a receiving means having selectable first and second inputs, said first input receiving a broadcast digital television signal and said second input receiving a digital television signal from a reproduction apparatus, and generating a video signal for display; and,

means coupled to said receiving means for generating a display message responsive to display message data derived from said selected input and for combining said display message with said video signal.

2. (Original) The digital television receiver of claim 1, wherein said digital television signal from said reproduction apparatus includes data representative of a text display message.

3. (Original) The digital television receiver of claim 1, further comprising a memory storing a plurality of graphical messages selectably coupled for combining with said video signal in accordance with a control command from said receiver.

4. (Original) The digital television receiver of claim 3, wherein, said plurality of graphical messages includes messages specific to said reproduction apparatus.

5. (Original) The digital television receiver of claim 4, wherein, said digital television signal from said reproduction apparatus includes data for selecting a graphical message specific to said reproduction apparatus

6. (Original) A receiving device coupled to a reproduction apparatus for receiving and decoding digital signals, comprising:

means for receiving a digital video signal and first and second control signals from said reproduction apparatus;

a decoder coupled to said receiving means for decoding said digital video signal and generating a video display signal therefrom;

an on screen display message generator coupled to said decoder for generating a display message and said combining an display message with said video display signal;

a memory containing message data for on screen display, said message data representing display messages for said receiving device and for said reproduction apparatus; and,

a controller receiving said first and second control signals and coupled to said generating means and said memory for selecting message data, and responsive to said first control signal selecting a specific message stored for said reproduction apparatus, and absent said specific message data in said memory, said controller coupling said second control signal to said generating means for generating a message therefrom.

7. (Original) The receiving device of claim 6, wherein said memory contains a plurality of display message data corresponding to a plurality of video signal sources.

8. (Original) The receiving device of claim 6, wherein said first control signal corresponds to a specific display message request.

9. (Original) The receiving device of claim 6, wherein said second control signal represents specific display message data.

10. (Original) The receiving device of claim 6, wherein said memory contains display message data specific to a digital recording and replay apparatus.

11. (New) A method for displaying a display message and a video signal for a digital display device receiver comprising the steps of:

receiving a first input signal, wherein said first input signal is a broadcast

digital television signal;

receiving a second input signal, wherein said second input signal is a digital video signal from a reproduction apparatus;

selecting at least one of the first input signal and the second input signal; and

generating a video signal for display by combining the selected input signal with a display message generated from display message data derived from the selected input signal.

12 (New) The method of claim 11, wherein said digital signal from the reproduction apparatus includes data representative of a text display message.

13. (New) The method of claim 11, wherein a memory stores a plurality of graphical messages where at least one of the graphical messages is the display message that is combined with the video signal in the generation step, wherein the selection of the at least one graphical message is in response to a control command received externally from the display device receiver.

14. (New) The method of claim 13, wherein said plurality of graphical messages includes messages specific to the reproduction apparatus.

15. (New) The method of claim 14, wherein said digital video signal from the reproduction apparatus includes data for selecting a graphical message specific to the reproduction apparatus.

REMARKS

Claims 1- 10 remain pending in this application.

Claims 11-15 are new.

Claim 11 is a method claim analogue of apparatus Claim 1. Further support for this new claim is found in the specification on page 4, line 26 to page 5, line 4, Fig. 2, and in other places.

Claim 12 is a method claim analogue of apparatus Claim 2.

Claim 13 is a method claim analogue of apparatus Claim 3.

Claim 14 is a method claim analogue of apparatus Claim 4.

Claim 15 is a method claim analogue of apparatus Claim 5.

No new matter is added in view of these amendments.

Rejection of Claims 1 and 2 under 35 U.S.C. 103(a)

Claims 1and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katsuyama et al. (5,701,385) in view of Abe et al. (5,978,546).

The present claimed invention recites a digital television receiver. The digital television receiver includes a receiving means that has a selectable first and second input. The first input receives a broadcast digital television signal. The second input receives a digital television signal from a reproduction apparatus. Both inputs generate a video signal for display. A device is coupled to the receiving means for generating a display message responsive to display message data derived from the selected input as and combining the display message with the video signal.

The present claimed invention provides a "decoder 117 [that] may be utilized to decode transport streams from external packet sources [as well as decode internal packet sources] thereby reducing the cost of [the] other

sources" (page 3, lines 17-18). The "inventive interconnection arrangement [provides] a demodulated transport bit stream...coupled from receiver IRD 100 to recorder 200 via a bi-directional data bus 112" (page 4, lines 26-28). Therefore, a video signal can be generated in a single receiver, from multiple digital inputs using one decoder.

Katsuyama et al. teach an apparatus for replaying a disc-shaped recording medium. A replay unit conducts the replay processing of data read out from the head. A display data producing unit produces a plurality of display data for conducting a plurality of display indicating the contents recorded on the respective disc-shaped recording media which have been received in the receiver within one screen.

The Examiner contends that Katsuyama et al. teach a reproducing apparatus including receiving means for receiving a digital signal reproduced from the reproducing apparatus. Though Katsuyama et al. teach a receiving means for receiving a digital signal reproduced from the reproducing apparatus Katsuyama et al. neither disclose nor suggest "a receiving means having a selectable first and second input, said first input receiving a broadcast digital television signal and said second input receiving a digital television signal from a reproduction apparatus" as claimed in claim 1 of the present invention. In fact Katsuyama et al. are not concerned with switching between multiple digital inputs using a single decoder but only switching between a digital and analog input.

The system of Abe et al. provides automatic discrimination between an analog mode and a digital mode. Therefore, erroneous operations, such as an erroneous erasing operation can be prevented.

The Examiner contends that incorporating a receiver capable of selecting between the reproduced digital signal and the broadcast digital signal is well known in the art as taught by Abe et al. The system of Abe et al.

switches between a digital and analog VTR mode and not between multiple digital inputs using a single decoder as in the present claimed invention. "In an analog VTR mode,...the audio signal is transferred...through the FM audio signal processor 53 [and] the switching circuit 51" (Col 5, lines 15-21). In a digital VTR mode, a digital signal applied to the terminal 22 is sent through the digital signal processor 54 [and] the switching circuit 51" (Col 5, lines 36-38). Though Abe et al. teaches a system able to switch between an analog and a digital VTR mode, Abe et al. neither disclose nor suggest "a receiving means having a selectable first and second input, said first input receiving a broadcast digital television signal and said second input receiving a digital television signal from a reproduction apparatus" as claimed in claim 1 of the present invention.

The Examiner opines that the combination of the systems of Katsuyama et al. and Abe et al. would form a system which would make the present claimed invention, as described in claim 1, unpatentable. The applicant contends that there is no motivation or reason to combine the systems of Katsuyama et al. and Abe et al. Katsuyama et al. and Abe et al. are concerned with solving two different problems. Katsuyama et al. seek to provide an apparatus for replaying recorded mediums with audio/video data as well as extra data messages within. Abe et al. seek to provide a video tape recorder able to change settings for different analog and digital media.

However, even if one were to combine the two systems, the combination would produce an apparatus replaying analog and digital recorded mediums with audio/video data as well as extra data messages within. The combination would not switch between multiple digital inputs using a single decoder as in the present claimed invention. Therefore, similarly to the individual systems, the combination of the systems of Katsuyama et al. and Abe et al. both neither disclose nor suggest "a receiving means having a selectable first and second input, said first input receiving a broadcast digital television signal and said

second input receiving a digital television signal from a reproduction apparatus" as claimed in claim 1 of the present invention.

In view of the above remarks, it is respectfully submitted that Katsuyama et al. adds nothing when taken alone or in combination with Abe et al. that would make the present claimed invention unpatentable. Since claim 2 is dependant on independent claim 1 it is respectfully submitted that this claim is also allowable for the same reasons discussed above with respect to claim 1. Thus, it is further respectfully submitted that this rejection is satisfied and should be withdrawn.

In view of the above remarks and amendments to the claims it is respectfully submitted that there is no 35 USC 112 compliant enabling disclosure in Katsuyama et al. in view of Abe et al. showing the above discussed features. It is thus further respectfully submitted that claims 1 and 2 are not anticipated by Katsuyama et al. in view of Abe et al. It is thus, further respectfully submitted that this rejection is satisfied and should be withdrawn.

Rejection of Claims 3-10 under 35 U.S.C. 103(a)

Claims 3-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katsuyama et al. (5,701,385) in view of Abe et al. (5,978,546) and Levine (5,915,068).

The present invention, as claimed in claim 6, provides a receiving device coupled to a reproduction apparatus for receiving and decoding digital signals. The device includes means for receiving a digital video signal as well as a first and second control signal from the reproduction apparatus. A decoder is coupled to the receiving means for decoding the digital video signal and generating a video display signal. An on screen display message generator is coupled to the decoder for generating a display message and combining the display message with the video display signal. A memory contains message

data for an on screen display. The message data represents display messages for the receiving device and the reproduction apparatus. A controller receives the first and second control signals and is coupled to the generating means and the memory for selecting message data. In response to the first signal the controller selects a specific message stored for the reproduction apparatus. When the message data in the memory is absent, the controller couples the second control signal to the generating means to generate a message.

Claim 6 contains similar limitations to claim 1. Just as the system of claim 1 allows switching between multiple digital inputs using a single decoder, claim 6 provides a receiving device coupled to a reproduction apparatus receiving digital signals to be decoded. Therefore, the applicant respectfully submits that the arguments made above regarding the patents to Katsuyama et al. and Abe et al. concerning claim 1 also apply to claim 6.

Levine teaches a system for programming the automatic operation of a video recorder over an extended period using an associated television receiver as a display device for alphanumeric messages to the operator to provide a self-explanatory, interactive programming routine.

The Examiner contends that Levine teaches an apparatus having a memory for storing a message to be superimposed on a video signal. Even though the system of Levine teaches an apparatus having a memory for storing a message to be superimposed on a video signal, Levine neither discloses nor suggests "a receiving device coupled to a reproduction apparatus for receiving and decoding digital signals" as claimed in claim 6 of the present invention.

The Examiner opines that the combination of the systems of Katsuyama et al., Abe et al. and Levine would form a system which would make the present claimed invention, as described in claim 6, unpatentable. The applicant contends that there is no motivation or reason to combine the systems of Katsuyama et al., Abe et al. and Levine. Katsuyama et al., Abe et al. and

Levine are concerned with solving different problems. Katsuyama et al. seek to provide an apparatus for replaying recorded mediums with audio/video data as well as extra data messages within. Abe et al. are concerned with discriminating between analog and digital modes. Levine seeks to provide a system for programming the automatic operation of a video recorder over an extended time period. None of these references are concerned with switching between multiple digital inputs using a single decoder as in the present invention.

However, even if one were to combine the three systems, the result would be an apparatus replaying digital or analog recorded mediums with audio/video data as well as extra data messages stored in memory. The combination would not switch between multiple digital inputs using a single decoder as in the present claimed invention. Therefore, similarly to the individual systems, the combination of the systems of Katsuyama et al., Abe et al. and Levine neither disclose nor suggest "a receiving device coupled to a reproduction apparatus for receiving and decoding digital signals" as claimed in claim 6 of the present invention.

In view of the above remarks, it is respectfully submitted that Katsuyama et al. adds nothing when taken alone or in combination with Abe et al. and Levine that would make the present claimed invention unpatentable. Since claims 7-10 are dependant on independent claim 6 it is respectfully submitted that these claims are also allowable for the same reasons discussed above with respect to claim 6.

Furthermore, the Examiner opines that the combination of the systems of Katsuyama et al., Abe et al. and Levine would make the present claimed invention, as described in Claims 3-5, unpatentable. The applicant respectfully submits that, as discussed above, Katsuyama et al., Abe et al. and Levine neither disclose nor suggest "a receiving means having a selectable first and second input, said first input receiving a broadcast digital television signal and

said second input receiving a digital television signal from a reproduction apparatus" as claimed in claim 1 of the present invention. As claims 3-5 are dependant on claim 1 it is respectfully submitted that claims 3-5 are patentable for the same reasons as described above in regards to claim 1. Thus, it is further respectfully submitted that this rejection is satisfied and should be withdrawn.

In view of the above remarks and amendments to the claims it is respectfully submitted that there is no 35 USC 112 compliant enabling disclosure in any of Katsuyama et al., Abe et al. and Levine when taken alone or in any combination showing the above discussed features. It is thus further respectfully submitted that claims 3-10 are not anticipated by Katsuyama et al., Abe et al. and Levine. It is thus, even further respectfully submitted that this rejection is satisfied and should be withdrawn.

The applicant respectfully submits, in view of the above arguments, that the all arguments made by the Examiner have been addressed and this rejection should be withdrawn. Therefore, the applicant respectfully submits that the present claimed invention is patentable.

Please charge deposit account 07-0832 for any fees owed in connection with this response.

Respectfully submitted,
Harold Blatter

By: _____
Joel Fogelson
Reg. No. 43,613
Tel. No. (609) 734-6809

Thomson Licensing Inc.
Patent Operations
PO Box 5312
Princeton, NJ 08543-5312
December 5, 2006